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October 16, 2012

VIA ECF

Honorable Joseph A. Dickson, U.S.M.J.
United States District Court
District of New Jersey
Martin Luther King, Jr. Federal Building
50 Walnut Street
Newark, New Jersey 07101

**Re: Emmanuel Otoigiakhi v. AAMCO Transmissions, Inc.
Civil Action No. 11-4620 (DMC) (JAD)**

Dear Judge Dickson:

We represent Defendant AAMCO Transmissions, Inc. ("ATI") in the above-referenced matter, which is currently scheduled for a hearing before Your Honor tomorrow, October 16, 2012, at 2:30 p.m.

As the Court is aware, on April 23, 2012, ATI filed a Motion to Dismiss Plaintiff's Complaint Pursuant to Federal Rules of Civil Procedure 37(b)(2)(A) and 41(b). (ECF No. 31). Plaintiff's attorney, Michael Speck, thereafter filed a Cross-Motion to Withdraw as Counsel. (ECF No. 32). By Order dated August 23, 2012, Your Honor scheduled a hearing on both motions for October 16, 2012. (ECF No. 33).

By Order dated October 3, 2012 (ECF No. 36), however, the Hon. Dennis M. Cavanaugh, U.S.D.J. granted Mr. Speck's cross-motion to be relieved as counsel, and further directed that Plaintiff/Counterclaim Defendant Emmanuel Otoigiaki, acting in a *pro se* capacity, was to "submit opposition to Defendant's Motion to Dismiss within 20 days of the entry of this Order, or the Motion will be considered unopposed." Plaintiff's deadline to file opposition to ATI's motion therefore expires on Tuesday, October 23, 2012.

Upon our recent review of the docket, we learned that tomorrow's hearing remains on the calendar, and wanted to bring that fact to the Court's attention. Given the recent history for this matter, we believe that the hearing date was simply not removed following Judge Cavanaugh's October 3, 2012, Order, but wished to verify that with the Court.

Please do not hesitate to contact me if Your Honor has any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert C. Brady".

Robert C. Brady

cc: Emmanuel Otoigiakhi (via regular mail)
Michael R. Speck, Esq. (via ECF)
Timothy J. Duva, Esq. (via e-mail)